

OFFICIAL COPY

Fresno, California

July 19, 2005

The City Council met in regular session at the hour of 8:30 a.m. in the Council Chamber, City Hall, on the day above written.

Present:	Tom Boyajian	Councilmember
	Brian Calhoun	Councilmember
	Jerry Duncan	Acting Council President
	Henry Perea	Councilmember
	Cynthia Sterling	Councilmember
	Larry Westerlund	Councilmember
	Mike Dages	Council President

Andy Souza, City Manager  
Hilda Cantu Montoy, City Attorney  
Becky Klisch, City Clerk  
Yolanda Salazar, Assistant City Clerk

President Dages gave the invocation and led the Pledge of Allegiance.

SPCA PET OF THE MONTH - COUNCILMEMBER PEREA

The pet of the month available for adoption, a female Australian Shepherd mix puppy, was presented, along with a parakeet.

PRESENTATION OF P.R.I.D.E. TEAM CERTIFICATES FOR THE SUMMER QUARTER

Certificates of Commendation were presented to Luis Mendoza, Mayor/Council/Manager/City Clerk Departments; Melissa Garza, Airports Department; Frank Balekian, Finance Department; Terry Boranian, Fire Department; Ana Aguinaga, Donald Wallace and Ozell Thompson Jr., Fresno Area Express; Dale Kidder and Bob Zapoli, General Services Department; Jennifer Misner, Information Services Department; Josie Morales, Denise Buckley, Joe Ramirez and Cliff Contreras, Parks, Recreation & Community Services Department; Nancy Kast, Personnel Services Department; Harold Hutt, Cornell Contreras, Su Fang and Bonique Salinas, Planning & Development Department; Doug Reese, Terri Reeves, Harry Houck and Jaime Campos, Police Department; Martin Herrera, Frank Mello, Jim Holmes, Pedro Cervantes, Michael Carbajal and Joyce Coppinger, Public Utilities Department; and Rose Saldivar, Bruce Rohde, Matthew Bullis, Ann Lillie and Reyes Chacon, Public Works Department. A reception was held immediately following to honor the employees.

RECESS - 9:00 A.M. - 9:13 A.M.

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APPROVE MINUTES OF JUNE 28, 2005:

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the minutes of June 28, 2005, approved as submitted.

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(SURPRISE ADD-ON) PROCLAMATION OF CITY ATTORNEY HILDA CANTU MONTOY DAY IN RECOGNITION OF HER TEN YEAR ANNIVERSARY AS CITY ATTORNEY - PRESIDENT DAGES

Read and presented (2 - 0).

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COUNCIL MEMBER REPORTS AND COMMENTS:

CONCERN WITH RECENT NORTHEAST FRESNO POWER FAILURES - COUNCILMEMBER DUNCAN

**146-1****7/19/05**

Councilmember Duncan stated he was getting a lot of different/inconsistent answers from PG&E on reasons for the power failures, expressed concern due to the affect on senior citizens, stated the under-building of infrastructure was the reason for outages in the area and not northeast growth as PG&E stated, and added he was also concerned about what was going to happen with all the growth occurring in the southeast and southwest areas and questioned what the City could do. City Manager Souza stated staff would contact PG&E to see what the core issue was and Councilmember Duncan requested he be included in any meetings.

#### **PALM LAKES GOLF COURSE ISSUE - COUNCILMEMBER WESTERLUND**

Councilmember Westerlund gave a brief update stating he and 10 volunteers worked Saturday on the front nine of the course to improve it, thanked the volunteers who participated and brought in machinery, spoke to insurance coverage per city policy and thanked staff, stated the group was actively engaged in seeking a long-term solution for the course, and upon a later question of Councilmember Calhoun clarified staff was also involved in the matter.

#### **USE OF CDBG MONEY BY THE CITY OF VISALIA - COUNCILMEMBER BOYAJIAN**

Councilmember Boyajian spoke to a Fresno Bee article about Tulare County cinching an economic development victory when the largest clothing company named Visalia as the site of its west coast distribution center, advised the center would employ 350 people by 2008, and noted Visalia contributed \$250,000 in CDBG money to the company to offset fees and that was a good example of a city who knows how to spend their CDBG money adding it should not be used for police and code enforcement. City Manager Souza later responded and stated this administration had not enhanced police and code enforcement and in the last two years those department's use of CDBG funds had been reduced by \$750,000.

#### **REQUEST STAFF PROVIDE INFORMATION ON THE CITY'S BICYCLE LICENSE POLICY- COUNCILMEMBER CALHOUN**

Request made with President Dages later advising bicycle licensing was part of the 2:30 p.m. item (fire department fees) and staff could respond at that time.

#### **USE OF ILLEGAL FIREWORKS ON JULY 4<sup>TH</sup> AND INTENT TO SCHEDULE THE ISSUE ON THE JULY 26, 2005, AGENDA FOR DISCUSSION - COUNCILMEMBER CALHOUN**

Councilmember Calhoun advised he received numerous critical calls and emails on the use of illegal fireworks and Council needed to revisit the matter, and he would be scheduling the matter for discussion in one week, with President Dages later advising Channel 30 ran a news story on where/how people can buy illegal fireworks which he stated was very appalling and amazing to him.

#### **COMMENDATION TO STAFF FOR ADDRESSING FILMORE AVENUE SIDEWALK PROBLEM/REPLACEMENT - PRESIDENT DAGES**

Commendation made on behalf of the homeowner.

#### **IN-LIEU REIMBURSEMENT CLAIM FORM - PRESIDENT DAGES**

President Dages stated the form was not designed for the in-lieu reimbursement and upon his question City Manager Souza stated staff was currently looking at refining the process and changing the form.

#### **REQUEST CITY MANAGER TO REQUEST POLICE DEPARTMENT TO ENFORCE EXISTING STATE LAW RELATING TO SOLICITORS AT FREEWAY EXITS FOR SAFETY REASONS - PRESIDENT DAGES**

Request made.

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#### **APPROVE AGENDA:**

#### **(2:00 P.M. #2) CLOSED SESSION:**

#### **(A) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:**

#### **1. ESTHER MENDIOLA V. COF**

146-2

7/19/05

Removed from the agenda by City Attorney Montoy who advised the matter was resolved.

**(4:30 P.M. "A") HEARING ON THE CONVENTION CENTER REDEVELOPMENT PLAN**

1. FINDING THAT THE PROPOSED PLAN AMENDMENTS, AS REFLECTED BY THE AMENDED PLAN, CONFORM TO THE FRESNO GENERAL PLAN AND ADOPTING THE ENVIRONMENTAL FINDING OF CONFORMITY/MEIR PREPARED FOR THE GENERAL PLAN FOR ENVIRONMENTAL ASSESSMENT NO. RDA 2005-1 (COUNCIL AND AGENCY ACTION) (REQUEST TO CONTINUE TO JULY 26, 2005, AT 4:30 P.M.)
2. FINDING THAT THE CONVENTION CENTER REDEVELOPMENT PLAN, AS PROPOSED TO BE AMENDED, IS CONSISTENT WITH THE GENERAL PLAN INCLUDING, BUT NO LIMITED TO, THE HOUSING ELEMENT OF THE GENERAL PLAN (COUNCIL AND AGENCY ACTION)
3. BILL - ADOPTING THE 2005 PLAN AMENDMENTS TO THE CONVENTION CENTER REDEVELOPMENT PLAN

City Attorney Montoy advised all three items were being continued to July 26<sup>th</sup> and not just #1. So noted.

On motion of Councilmember Westerlund, seconded by Councilmember Sterling, duly carried, RESOLVED, the **AGENDA** hereby approved, as amended, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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**ADOPT CONSENT CALENDAR:**

**ITEM 1-F** - Kevin McCracken, Bulldog Towing, 1805 N. Lafayette, Ed Mason, Bauers Auto Wrecking and Towing, 103 N. Thorne, Joe Petz, representing the Central Valley Tow Truck Association, and John DeCicco, Action Towing, all spoke in support of the agreement with Mr. Mason clarifying although he was supportive he preferred the fee structure stay the same.

**ITEM 1-H** - Marina Magdaleno, representing Local 39, thanked Transportation Director Rudd stating he was a bridging force and a good negotiator, thanked City Manager Souza for his open-mindedness stating that was very refreshing, and stated although employees did not get everything they wanted (wages) she was glad negotiations were over and thanked Council and the City bargaining members.

**ITEM 1-U** - Gloria Torrez expressed concern with the issue and questioned how this would affect parking tickets already issued to the public.

Councilmember Duncan pulled Items **1-I** and **1-J** and President Dages pulled Item **1-U** for discussion under "*CONTESTED CONSENT*".

**(1-A) GRANT AWARD FROM THE STATE DEPARTMENT OF ALCOHOL BEVERAGE CONTROL (ABC) TO THE POLICE DEPARTMENT FOR EDUCATION AND ENFORCEMENT OF ALCOHOL RELATED LAWS AND REGULATIONS**

**1. RESOLUTION NO. 2005-292** - 2<sup>ND</sup> AMENDMENT TO AAR 2005-286 APPROPRIATING \$100,000 FROM THE ABC GRANT ASSISTANCE PROJECT (GAP) TO THE POLICE DEPARTMENT

**1. RESOLUTION NO. 2005-293** - AUTHORIZING APPLICATION FOR AND ACCEPTANCE OF THE ABC GRANT ASSISTANCE TO LOCAL LAW ENFORCEMENT AGENCIES PROGRAM AWARD OF \$100,000 AND EXECUTION OF DOCUMENTS

**2. RESOLUTION NO. 2005-294** - 1<sup>ST</sup> AMENDMENT TO PAR 2005-287 ADDING ONE (1) POLICE OFFICER POSITION FOR THE EDUCATION AND ENFORCEMENT OF ALCOHOL RELATED LAWS AND REGULATIONS

**(1-B) JUVENILE ACCOUNTABILITY BLOCK GRANT (JABG) PROGRAM**

**1. RESOLUTION NO. 2005-295** - 3<sup>RD</sup> AMENDMENT TO AAR 2005-286 APPROPRIATING \$17,400 IN GRANT FUNDS INTO THE POLICE DEPARTMENT'S FY 2006 BUDGET

**2. RESOLUTION NO. 2005-296** - 2<sup>ND</sup> AMENDMENT TO PAR 200-287 ADDING ONE (1) SWORN POLICE OFFICER POSITION FOR CONTINUATION OF THE JABG TRUANCY UNIT

**(1-C) RESOLUTION NO. 2005-297** - 4<sup>TH</sup> AMENDMENT AAR 2005-286 APPROPRIATING \$5,500 IN GRANT FUNDS FROM THE CALIFORNIA HIGHWAY PATROL (CHP) THROUGH THE OFFICE OF TRAFFIC SAFETY (OTS) TO THE POLICE DEPARTMENT FOR THE ILLEGAL STREET RACING ENFORCEMENT GRANT PROJECT

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**(1-D) RESOLUTION NO. 2005-298** - 5<sup>TH</sup> AMENDMENT TO AAR 2005-286 APPROPRIATING \$300,000 IN THE FY 2006 BUDGET TO THE POLICE DEPARTMENT FOR THE OFFICE OF TRAFFIC SAFETY'S (OTS) AREA ILLEGAL STREET RACING TASK ENFORCEMENT GRANT PROJECT

**(1-E) CALIFORNIA MULTI-JURISDICTIONAL METHAMPHETAMINE ENFORCEMENT TEAMS (CALMMET) PROGRAM**

**1. RESOLUTION NO. 2005-299** - AUTHORIZING ACCEPTANCE OF THE CALMMET 2005-2006 GRANT PASS THROUGH AWARD OF \$200,100 AND EXECUTION OF DOCUMENTS

**2. RESOLUTION NO. 2005-300** - 7<sup>TH</sup> AMENDMENT TO AAR 2005-286 APPROPRIATING THE \$200,100 TO THE POLICE DEPARTMENT FOR THE PROGRAM

**3. RESOLUTION NO. 2005-301** - 3<sup>RD</sup> AMENDMENT TO PAR 2004-210 ADDING ONE POLICE OFFICER POSITION FOR THE PROGRAM

**(1-F) RESOLUTION NO. 2005-302** - INTENT TO ESTABLISH NON-EXCLUSIVE TOWING OPERATIONS FRANCHISES AND SETTING A PUBLIC HEARING FOR AUGUST 16, 2005, AT 10:30 A.M.

**(1-G) RESOLUTION NO. 2005-303** - 1<sup>ST</sup> AMENDMENT TO SALARY RES. 2005-290 MOVING THE AIRPORTS MARKETING AND PUBLIC RELATIONS COORDINATOR CLASS FROM CFPEA TO CFMEA

**(1-H) ADOPT A MEMORANDUM OF UNDERSTANDING (MOU) WITH THE INTERNATIONAL UNION OF OPERATING ENGINEERS, STATIONARY ENGINEERS LOCAL 39 (LOCAL 39 - UNIT 1) COVERING THE PERIOD JULY 1, 2004, THROUGH JUNE 30, 2006**

**1. RESOLUTION NO. 2005-304** - 2<sup>ND</sup> AMENDMENT TO SALARY RES. 2005-290 AMENDING EXHIBIT 1, NON-SUPERVISORY BLUE COLLAR (LOCAL 39)

**(1-K) APPROVE ACQUISITION OF AN 814 SQUARE FOOT STREET EASEMENT FROM PROPERTY OWNED BY FRESNO AUTOMOTIVE DEVELOPMENT, A CALIFORNIA LIMITED PARTNERSHIP, AT 6031 N. BLACKSTONE, AND AUTHORIZE THE PUBLIC WORKS DIRECTOR TO ACCEPT THE DEED OF EASEMENT FROM THE PROPERTY OWNER, EXECUTE THE AGREEMENT FOR PURCHASE AND SALE OF REAL PROPERTY, AND COMPLETE THE ACQUISITION THROUGH ESCROW**

**(1-L) APPROVE THE ACQUISITION OF A PERMANENT STREET EASEMENT AND A TEMPORARY CONSTRUCTION EASEMENT FROM APN 444-031-31 FOR THE AMOUNT OF \$500, AND AUTHORIZE THE DIRECTOR OF PUBLIC WORKS OR ASSISTANT TO SIGN ALL DOCUMENTS NECESSARY TO COMPLETE THE ACQUISITION OF THE EASEMENT**

**(1-M) RESOLUTION NO. 2005-305** - INTENT TO ANNEX FINAL TRACT NO. 5235 TO CFD NO. 2, ANNEXATION NO. 100, AND AUTHORIZE THE LEVY OF SPECIAL TAXES, AND SETTING A PUBLIC HEARING FOR AUGUST 23, 2005, AT 10:00 A.M.

**(1-N) APPROVE LEASE OF WAREHOUSE SPACE AT 1603 "H" STREET FOR THE SOLID WASTE DIVISION**

**(1-O) RESOLUTION NO. 2005-306** - AUTHORIZING PARTICIPATION IN THE UPPER KINGS RIVER WATER FORUM AND PROPOSITION 50 GRANT FUNDING THEREUNDER FOR DEVELOPMENT OF AN INTEGRATED REGIONAL WATER MANAGEMENT PLAN, AND AUTHORIZING THE DIRECTOR OF PUBLIC UTILITIES OR DESIGNEE TO SIGN ON BEHALF OF THE CITY SEEKING PROPOSITION 50 GRANT FUNDS

**(1-P) CONSIDER THE PROPOSED PRINCETON-BRAWLEY NO. 2 REORGANIZATION AND APPROVAL TO FILE WITH LAFCO FOR THE DETACHMENT OF CERTAIN TERRITORY CONSISTING OF 14.6 ACRES FROM THE NORTH CENTRAL FIRE PROTECTION DISTRICT AND THE KINGS RIVER CONSERVATION DISTRICT AND ANNEXATION OF SAME TERRITORY TO THE CITY OF FRESNO**

**1. AFFIRM CITY COUNCIL ACTION OF OCTOBER 19, 2004, ADOPTING THE ENVIRONMENTAL FINDING OF E.A. NO. R-04-13/T-5285 DATED JULY 27, 2004, THAT THE PROJECT PROPOSAL CONFORMS TO THE PROVISIONS OF THE GENERAL PLAN MASTER EIR**

**2. RESOLUTION NO. 2005-307** - APPLYING TO LAFCO IN THE MATTER OF THE PROPOSED PRINCETON-BRAWLEY NO. 2 REORGANIZATION

**(1-Q) RESOLUTION NO. 2005-308** - INTENT TO ANNEX FINAL TRACT NO. 5325 TO CFD NO. 2, ANNEXATION NO. 101, AND AUTHORIZE THE LEVY OF SPECIAL TAXES, AND SETTING A PUBLIC HEARING FOR AUGUST 23, 2005, AT 10:15 A.M.

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**(1-R)** APPROVE AN AMENDMENT TO THE EXISTING COST REIMBURSEMENT AGREEMENT WITH THE STATE CENTER COMMUNITY COLLEGE DISTRICT (SCCCD) FROM \$2,200,000 TO \$2,566,000, AND AUTHORIZE THE PUBLIC UTILITIES DIRECTOR OR DESIGNEE TO AMEND THE AGREEMENT ON BEHALF OF THE CITY

**(1-S) RESOLUTION NO. 2005-309** - INTENT TO ANNEX FINAL TRACT NO. 5458 TO CFD NO. 2, ANNEXATION NO. 102, AND SETTING A PUBLIC HEARING FOR AUGUST 23, 2005, AT 10:05 A.M.

**(1-T) RESOLUTION NO. 2005-310** - INTENT TO ANNEX TRACT NO. 5248 TO CFD NO. 2, ANNEXATION NO. 103, AND SETTING A PUBLIC HEARING FOR AUGUST 23, 2005, AT 10:00 A.M.

On motion of Councilmember Perea, seconded by Councilmember Duncan, duly carried, RESOLVED, the above entitled **CONSENT CALENDAR** hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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**(9:00 A.M.) PUBLIC COMMENT - UNSCHEDULED COMMUNICATION:**

APPEARANCE BY AN UNIDENTIFIED CITIZEN **(3 - 0)** EXPRESSING CONCERN WITH LEVEL OF CRIME AND VIOLENCE IN THE CITY AND STATING IT WAS TIME FOR THE CITY COUNCIL TO BE MORE VOCAL AND ACTIVE ON THE ISSUE

Appearance made.

APPEARANCE BY TOMAS CASAS ACOSTA SR. REGARDING (1) REQUEST FROM CHINATOWN BUSINESSES FOR AT LEAST THREE (3) BUS ROUTES THROUGH CHINATOWN AREAS THAT ARE CURRENTLY IGNORED, AND (2) EXTENDING A "SINCERE THANK YOU" TO ALL PAST, CURRENT AND FUTURE BUS RIDERS FOR THEIR PART IN IMPROVING AIR QUALITY

Appearance made.

(\*Note - *Public Comment/Unscheduled Communication* was reopened after the following matter.)

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**(9:30 A.M.)** CONSIDER THE ENVIRONMENTAL ASSESSMENT STUDY FOR THE LONG TERM RENEWAL OF THE CITY'S CENTRAL VALLEY PROJECT (CVP) WATER SUPPLY CONTRACT AND ASSOCIATED FINDING OF CONFORMITY, AND AUTHORIZE THE EXECUTION OF THE CONTRACT BETWEEN THE UNITED STATES AND CITY OF FRESNO FOR CENTRAL VALLEY PROJECT WATER SUPPLY

**1. RESOLUTION NO. 2005-311** - CERTIFYING FINDING OF CONFORMITY FOR THE LONG TERM RENEWAL OF THE CITY'S WATER SUPPLY CONTRACT, AND AUTHORIZE THE DIRECTOR OF PUBLIC UTILITIES TO EXECUTE THE CONTRACT WITH THE UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF RECLAMATION

Interim Public Utilities Director Weimiller gave an in-depth review of the issue including findings to be made, all as contained in the staff report as submitted, and recommended approval.

Doug Vagim expressed concerns/opposition to water metering and the public being unaware of this matter.

Councilmember Duncan presented questions and commented on issues including the importance of this contract, the conservation

plan not going far enough, incorporating zero-scape landscaping in the conservation plan as an option for new developments, affect this will have on the Friant/San Joaquin River court decision, the significant cost to the City to purchase meters and what the impact will be on water rates, and people with minimal landscaping subsidizing people with elaborate landscaping. Councilmember Duncan stated water meters were a good thing, commended staff, and made a motion to approve staff's recommendation, which motion was seconded and later acted upon.

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City Attorney Montoy acknowledged the efforts of staff and thanked outside contract counsel Rob Saperstein and former DPU director McIntyre for all their work and efforts, relative to Mr. Vagim's comment about the public being unaware pointed out the contract had been available for public review for well over one year in the city clerk's office (**4 - 0**), clarified issues relative to water metering including staff's effort to enter into a contract without water metering due to the Charter provision and state mandatory metering by January 2013, and stated the draft contract on file in the clerk's office would be revised due to transactions that took place the past year and advised of the minor revisions. Mr. Weimiller spoke additionally to public notification process undertaken by staff and clarified the law addressed all CVP contractors like the city of Fresno and this was not a singular issue with the city

Mr. Weimiller and Ms. Montoy clarified issues/responded to questions/comments of Councilmember Sterling at length relative to whether there was a plan to assist ADA concerned citizens/those with challenging incomes to absorb increased costs, process for rate adjustments/rates for certain groups, concern with lack of a firm implementation plan for those who may need special outreach/communication, and if issues contained in the San Joaquin Valley Taxpayers Association's letter had been addressed. Councilmember Sterling stated she was not opposed to metering but her concern was for those with fixed-incomes, seniors and the ADA population and she needed more information/assurance on how this process would be administrated before she could fully support it. Outside Attorney Saperstein and Ms. Montoy responded to questions of Councilmember Boyajian relative to Mr. Carlson's letter/comments on how this water supply will be supporting more growth, the water meter mandate and if an election wherein voters again prohibit meters would change the fact that the city was preempted by state law to require them, and the court decision/provision on diverting water.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2005-311 certifying the Finding of Conformity pursuant to Public Resources Code Section 21157.1 and CEQA Guidelines Section 15177 for the CVP Contract, amending the City's Water Conservation Plan to include Best Management Practices (BMPs) consistent with California Urban Water Conservation Council, and authorizing the Department of Public Utilities Director to execute the long-term CVP contract hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Westerlund, Dages
Noes :	None
Absent :	None
Abstain :	Sterling

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**(9:00 A.M.) PUBLIC COMMENT - UNSCHEDULED COMMUNICATION:**

President Dages reopened *Public Comment* to allow Mr. Driggs to speak noting he flew into Fresno late.

APPEARANCE BY WALTER DRIGGS, ROTARY CLUB MEMBER, REPRESENTING EL DORADO RANCH, SAN FELIPE, BAJA CALIFORNIA MEXICO, REQUESTING DONATION OF GARBAGE TRUCKS THE CITY WILL BE REPLACING WITH CLEANER OPERATING VEHICLES

Appearance made with Councilmember Sterling stating this was an important issue and requested staff put Mr. Driggs in contact with local Rotary affiliations and asked Mr. Driggs to contact her office stating she would follow up on the matter. City Manager Souza stated Mr. Driggs' request would be forwarded to Purchasing, General Services and Public Utilities and taken to the next step.

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**(10:15 A.M.) HEARING TO CONSIDER DESIGNATIONS TO THE LOCAL REGISTER OF HISTORIC RESOURCES**

**1. RESOLUTION NO. 2005-312 - DESIGNATING THE JOHN FAIRWEATHER HOME LOCATED AT 248 N. VAN NESS AVENUE**

**2. RESOLUTION NO. 2005-313 - DESIGNATING THE JOHN B. FRINCHABOY HOME LOCATED AT 243 N. COLLEGE AVENUE**

**3. RESOLUTION NO. 2005-314 - DESIGNATING THE WILLIAM AND HELEN SUTHERLAND HOME LOCATED AT 1460 N. WISHON AVENUE**

President Dages announced the time had arrived to consider the issue and opened the hearing. Historic Preservation Project Manager Hattersley-Drayton gave a PowerPoint presentation on the three properties **(5 - 0)** and recommended approval.

Speaking in support of the designations were: Becky Foore-Hayden, 248 N. Van Ness/Fairweather Home; Orlonzo Hedrington, owner of 1460 N. Wishon/Sutherland Home; and Doug Vagin.

**146-6**

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Upon call, no one else wished to be heard and President Dages closed the hearing.

Councilmember Perea commended staff and the owners for preserving the city's history and made a motion to approve staff's recommendation, which motion was seconded and acted upon after brief discussion. Ms. Hattersley-Drayton responded to questions of Councilmember Duncan relative to changes/modifications to the homes and what the impact of the changes would be to the historical significance of the homes. Councilmembers Boyajian and Calhoun thanked the owners and everyone involved for their investment and for recognizing the past.

On motion of Councilmember Perea, seconded by Councilmember Sterling, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-312, 2005-313 and 2005-314 hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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**(10:30 A.M.) HEARING TO CONSIDER THE VACATION OF A PORTION OF BARSTOW AVENUE EAST OF BRYAN - R.I. 1042-D**

**1. RESOLUTION NO. 2005-315 - ORDERING THE VACATION OF THE ABOVE**

President Dages announced the time had arrived to consider the issue and opened the hearing. Supervising Engineering Technician Polsgrove gave an overview of the issue, all as contained in the staff report as submitted, and recommended approval

Mark Greenwood, 2558 E. Olive Avenue, Civil Engineer on the project, stated this was a good project and requested Council's support.

Upon call, no one else wished to be heard and President Dages closed the hearing.

On motion of Councilmember Westerlund, seconded by Councilmember Perea, duly carried, RESOLVED, the above entitled Resolution No. 2005-315 hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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**(11:00 A.M.) RESOLUTION NO. 2005-316 - APPROVING THE CONVEYANCE OF THE VETERANS HOME PROPERTY TO THE STATE OF CALIFORNIA, APPROVE A "REVISED" AGREEMENT FOR CONVEYANCE AND ACCEPTANCE OF REAL PROPERTY, AND AUTHORIZE THE CITY MANAGER TO EXECUTE THE REVISED AGREEMENT**

Planning & Development Project Manager Barnes introduced officials from Sacramento and local veteran officials/representatives in attendance, gave an in-depth overview of the issue, all as contained in the staff report as submitted, and

recommended approval. President Dages recognized and welcomed Assemblymember Juan Arambula.

Speaking in support of the issue and thanking Council for their support and action they would be taking were: Charlie Waters, Chair, Veterans Political Action Alliance **(6 - 0)**; George Sinopoli, Chair, California Veterans Board; Chuck Parnell, President of the Board of Directors for the Central California Veterans Home Foundation; Jack Climer, Judge Advocate for the California American Legion Department; Bob Small, representing Congressman Radanovich's office; and Assemblymember Arambula, who offered his assistance in any way to help expedite the process.

Councilmember Sterling spoke to the history and importance of the project and stated she was very proud of it, and thanked the veterans and made a motion to approve staff's recommendation, which motion was seconded and later acted upon. Councilmember Boyajian commented and spoke in support of the issue and thanked the Board, Tom O'Meara, Steve Samuelian and former Councilmember Ronquillo. Councilmember Duncan thanked all the veterans for their service and questioned when ground would be broken, with an unidentified State representative responding and speaking to the need for this veterans home.

**146-7**

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Gordon (last name inaudible), Treasurer for the Veterans Home Support Foundation, spoke to the funding for the project.

Councilmembers Westerlund and Sterling and President Dages spoke briefly, offered assistance to expedite the process, and thanked the veterans and everyone else involved.

On motion of Councilmember Sterling, seconded by Councilmember Boyajian, duly carried, RESOLVED, the above entitled Resolution No. 2005-316 hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

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#### **LUNCH RECESS - 11:51 A.M. - 2:02 P.M.**

#### **(2:00 P.M. #1) CONTESTED CONSENT CALENDAR:**

**(1-I) RESOLUTION NO. 2005-317 - APPROVE FREEWAY 41 MAINTENANCE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS), AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY**

**-and-**

**(1-J) RESOLUTION NO. 2005-318 - APPROVE FREEWAY 168 MAINTENANCE AGREEMENT WITH THE CALIFORNIA DEPARTMENT OF TRANSPORTATION (CALTRANS), AND AUTHORIZE THE PUBLIC WORKS DIRECTOR OR DESIGNEE TO SIGN THE AGREEMENT ON BEHALF OF THE CITY**

Assistant Public Works Director Kirn and City Attorney Montoy responded to questions of Councilmembers Duncan and Westerlund relative to whether a policy was in place clearly identifying who is responsible for landscape maintenance, the "horrible mess" on Freeway 41 north of Herndon and why the state has not cleaned it up **(7 - 0)**, staff's meetings with Caltrans and need to request a written maintenance plan from them, this being a serious safety matter and if the City can compel Caltrans to take action, contract provision relative to responsibility for weed control, if the state is responsible for on-ramp/off-ramp areas, and recommendation to schedule the matter on the agenda for discussion and have Caltrans representatives present.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution Nos. 2005-317 and 2005-318 hereby adopted, by the following vote:

Ayes :	Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund, Dages
Noes :	None
Absent :	None

**(1-U) BILL NO. B-77 - AMENDING THE OFFICIAL LIST OF DESIGNATED SPECIAL SPEED ZONES PURSUANT TO FMC SECTION 10-1601 DESIGNATING SPEED LIMITS FOR VARIOUS STREETS**



President Dages elaborated at length on streets in his district where posted speed limits are too high, presented questions relative to why speed limits can not be lowered due to unsafe conditions, who determines the final speed limits, if Council had the authority to reduce a 45 mph limit to 40 mph, and how an engineering study can justify a 35 mph limit in residential areas, and stated staff needed to go back and resurvey and advised he was going to review the streets in his district and send a request through the city manager asking for a re-study. Traffic Engineering Manager Benavides, Assistant City Manager Quinto and Assistant Public Works Director Kirn responded to questions/comments throughout.

Gloria Torrez concurred with President Dages' concerns and stated safety was first.

Councilmember Duncan made a motion approve staff's recommendation, stated unfortunately in a lot of situations decisions and controls were at the state level and not at the city level, and along with Councilmember Westerlund presented questions and a request relative to what the implications were if the city did not follow state guidelines, if speed determinations/decisions needed to be based on specific information, request for a formal opinion on the matter and a layout of the law, and how speed limits are enforced that are not posted, with City Attorney Montoy and Mr. Benavides responding.

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Ms. Quinto stated staff would restudy certain streets, clarified a traffic study would not outweigh the safety of the public, and stated her office would work closely with the city attorney in looking at laws and regulations in order to address President Dages' concerns.

On motion of Councilmember Duncan, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Bill No. B-77 introduced before the City Council and laid over, by the following vote:

Ayes : Boyajian, Calhoun, Duncan, Perea, Sterling, Westerlund  
Noes : Dages  
Absent : None

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**(3-A) DISCUSSION AND DIRECTION ON MEAL REIMBURSEMENT POLICY AND PAYMENTS TO THE CITY COUNCIL - COUNCILMEMBER CALHOUN**

Reviewed by Councilmember Calhoun who stated he was very uncomfortable with the current process and preferred a stipend system like the vehicle allowance which was clean and no questions were asked, advised in talking with the city attorney he found staff was currently looking into a number of issues such as cell phone usage, and upon his request City Attorney Montoy stated a legal opinion was already in progress and came about as a result of the cell phone study, spoke to the issue of Council compensation and the related ordinance, and stated formal action did not have to be taken this date and advised she would fold the meal allowance request into the opinion as it would apply there. Councilmember Calhoun then made a formal request to the city attorney's office, in working with the finance department, to add and consider the issue of meal reimbursement to the other issues they are currently working on and report back when ready for further discussion.

Interim City Manager Quinto responded briefly to questions of Councilmember Duncan on the City's policy, with Councilmember Duncan stating whatever staff develops needed to pass IRS guidelines.

Gloria Torrez expressed concerns with the issue and with members possibly taking advantage of the allowance, questioned if this was also available to the public, and stated members working part-time should be allotted one half the amount.

President Dages advised he did not use the receipt process and there was no further discussion.

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**(2:30 P.M.) RESOLUTION NO. 2005-319 - 432<sup>ND</sup> AMENDMENT TO MFS RES. 80-420 RELATING TO FIRE DEPARTMENT FEES (ADDENDUM TO MFS ADJUSTMENTS FOR THE FY 2006 BUDGET)**

- i. Automatic Fire Extinguishing System, 5 year test
- ii. Building Permit Surcharge Fire Prevention fee
- iii. Consultation
- iv. Development/Pubic Works
- v. Alar System
- vi. Fire Hydrants

- vii. Fire Inspections
- viii. Fire Sprinkler Systems
- ix. Fire Sprinkler Systems
- x. Plan Checks
- xi. Penalty
- xii. Public Safety alarms - Response to False Alarm
- xiii. Special Hazard User Permit fees
- xiv. Hazardous Material Incident
- xv. Suppression Standby
- xvi. Underground Fire Service
- xvii. Family Day Care Inspection
- viii. Dance Permit Application Inspection
- xix. Posting Place Carding on Dangerous Buildings
- xx. Arson Fire Investigation Report
- xxi. Overtime Fire Inspection
- xxii. Fire Department Plan Review

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- xxiii. Environmental Assessment
- xxiv. Rezoning
- xxv. Site Plan Review
- xxvi. Tentative Parcel Map
- xxvii. Tentative Tract Map

Chief Brugeman gave a brief overview of the issue and advised staff was available to answer questions.

Noting Councilmember Calhoun brought up the matter earlier, Councilmember Duncan questioned why there was a bicycle license fee and how many licenses were processed annually, with Deputy Fire Chief Donis responding. Councilmember Duncan made a motion to approve the resolution, as amended, deleting the bicycle license fee.

Chief Bruegman and Interim City Manager Quinto clarified issues and responded to questions of Councilmember Calhoun relative to the fees and the in-lieu fee plan. Councilmember Calhoun began speaking to the bicycle license issue and motion to delete that fee whereupon Councilmember Duncan stated after making the motion he spoke with the city attorney, modified his motion to approve the resolution as presented stating it was important to make sure there were no ordinances attached to bicycle licenses, and requested the city attorney to report back on the bike license issue. Councilmember Calhoun continued and advised of information obtained by his office on bicycle licenses.

Lengthy discussion ensued. Chief Bruegman, Chief Donis and Budget Manager Smith responded to questions and comments of Councilmembers Perea, Boyajian, Sterling, Duncan, Westerlund and President Dages relative to who pays these fees, Councilmember Perea stating he could not support the fees as he had a hard time raising fees to balance the budget or when the states takes money from the city, if the intent of the fees was to stop the city subsidy -- not balance the budget, bicycle licenses not making any sense, numerous questions on various fees, if the department was still analyzing data and looking at other things to mitigate costs, support for deleting the bike license fee due to the homeless being dependent on bicycles, inspections and if ample time is given to businesses to make improvements, what the impact would be on departments if the fees are not approved, dance permits and monitoring process, fire inspections and lack of a fire inspection fee, other fees already approved and not included in this resolution, and inspections on businesses.

On motion of Councilmember Duncan, seconded by Councilmember Calhoun, duly carried, RESOLVED, the above entitled Resolution No. 2005-319 hereby adopted, by the following vote:

- Ayes : Boyajian, Calhoun, Duncan, Sterling, Westerlund
- Noes : Perea, Dages
- Absent : None

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**(2:00 P.M. #2) CLOSED SESSION:**  
**( A ) CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION - CASE NAMES:**  
**2. CALTRANS V. COF (WATHEN, REAL PARTY INTEREST)**

( B ) CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION - CASE NAME: CALTRANS V. COF (FANCHER CREEK, REAL PARTY N INTEREST)

( C ) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: CITY CLERK

( D ) PUBLIC EMPLOYEE PERFORMANCE EVALUATION - TITLE: CITY ATTORNEY

The City Council met in closed session in Room 2125 at the hour of 3:38 p.m. to consider the above matters and reconvened in regular open session at 5:30 p.m.

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**(4:30 P.M.) JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

The City Council recessed at 5:30 p.m. and convened in joint session with the Redevelopment Agency.

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**APPROVE AGENCY MINUTES OF JUNE 28, 2005**

On motion of President Dages, seconded by Councilmember Westerlund, duly carried, RESOLVED, the Agency minutes of June 28, 2005, approved as submitted.

**("B") RESOLUTION NO. 2005-320 - ACKNOWLEDGING PROCEDURES FOR THE FORMATION OF, AND DETERMINING THE COMPOSITION OF, A PROJECT AREA COMMITTEE (PAC) FOR THE EXISTING CHINATOWN EXPANDED REDEVELOPMENT PLAN IN CONNECTION WITH AMENDMENTS TO THE REDEVELOPMENT PLAN**

Redevelopment Project Manager Freeman submitted a revised resolution containing technical corrections, along with Executive Director Murphey gave an overview of the issue, all as contained in the staff report as submitted, and advised after public information meetings staff would report back in January 2006 with the completed draft amendment. Upon question, Ms. Murphey stated this procedure for PACs was required by law.

Councilmember Sterling stated she was happy to get to this point and made a motion to approve staff's recommendation.

On motion of Councilmember Sterling, seconded by Councilmember Westerlund, duly carried, RESOLVED, the above entitled Resolution No. 2005-320 hereby adopted, by the following vote:

Ayes : Calhoun, Dages, Duncan, Perea, Sterling, Westerlund, Boyajian  
 Noes : None  
 Absent : None

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**ADJOURNMENT**

There being no further business to bring before the joint bodies, the hour of 5:38 p.m. having arrived and hearing no objections, Chair Boyajian declared the meeting adjourned.

**Approved** on the \_\_\_\_26th\_\_\_\_ day of \_\_\_\_July\_\_\_\_, 2005.

\_\_\_\_\_/s/\_\_\_\_\_  
 Tom Boyajian, Agency Chair

ATTEST:\_\_\_\_\_/s/\_\_\_\_\_  
 Yolanda Salazar, Assistant City Clerk

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